

Item No. 60.

The Act of July 7, 1943 provides that at any time during the existence of a state of war or when hostile action by a foreign power appears imminent, the head of any agency of the Government may authorize the destruction of any records in his legal custody which are situated in any military or naval establishment or other depository outside the territorial limits of continental United States, where the retention of such records would be prejudicial to the interests of the United States or which occupy urgently needed space and the documents do not warrant their continued preservation.

The Director of Central Intelligence has the statutory duty to protect intelligence sources and methods from unauthorized disclosure. It is felt that this necessarily infers authority to destroy official records in time of danger. However, there are detailed statutes requiring the preservation of records and such statutes might be construed to be in conflict with the Director's authority. The Act of July 7, 1943, described above, gives clear-cut authority for the destruction of records in time of war or when hostile action appears imminent. Therefore, it would be useful to CIA to have the statutory authority extended, particularly if its language is adapted to "cold war" conditions.

RECOMMENDATION SHEET

Replying to Bureau of the Budget Letter and Memorandum dated November 8, 1951.
 (PLEASE READ LETTER AND MEMORANDUM BEFORE EXECUTING)

1. Agency
 Replying Central Intelligence Agency

2. Item No. 60) See
 or) Memo
 U.S.Code) Para.
 Citation) 10

3. For this item this agency is (Indicate by "x"; see Memorandum Para. 10):
 the Responsible Agency (); a Commenting Agency (x); Other ().

4. Citation in full (See NOTE A and Memorandum Para. 10):

5. Digest (See NOTE A and Memorandum Para. 10):

6. Recommendation of this agency (Indicate which by "x");
 CONTINUE (x); DO NOT Continue ()
 the authority now existing.

7. Brief justification for Congress of the recommendation in 6. if that recommendation is affirmative (See NOTE B and Memorandum Para. 10):

8. Reasons and views (The only time you need not answer here is when the justification in 7. states your views to your full satisfaction; see Memorandum Para. 10). **The Director of Central Intelligence is charged by Sec. 102(d)(3) of the National Security Act of 1947 (50 USC 403 d. 3.) with the protection of intelligence sources and methods from unauthorized disclosure. As a practical matter this would empower him to destroy intelligence records if hostile action appeared imminent. However, specific statutory support for this position would be desirable with its phraseology adapted to "cold war" conditions.**

9. Suggested legislative language for continuing the authority (See NOTE B and Memorandum Para. 10):

NOTE A (Applicable to lines 4 and 5): Answers on lines 4 and 5 are required from you for this item if (a) you are the Responsible Agency for this item (whether or not you desire your authority continued) or (b) this item is not on the List of Statutes and you desire your authority continued.

NOTE B (Applicable to lines 7 and 9): Answers on lines 7 and 9 are required from you for this item if you desire your authority continued and (a) you are the Responsible Agency for this item or (b) this item is not on the List of Statutes.

To be sent to the Bureau of the Budget in DUPLICATE. For more space, see Memorandum Para. 9E